

REMARKS/ARGUMENTS

Applicant wishes to express his appreciation to the Examiner for his time in the April 1, 2004 telephone interview. The following remarks are in accordance with the material discussed in the telephone interview.

The Final Office Action rejected claims 1-5 and 7-11 under 35 U.S.C. 103(a) as being obvious in view of Frost (U.S. Patent No. 1,827,870) and Bregler et al. (U.S. Patent No. 5,136,992). Claims 1-2, 4, and 12 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Futterer et al (U.S. Patent No. 3,643,331). Claims 1-2 and 6 have been rejected under 35 U.S.C. as being obvious over Penozza (U.S. Patent No. 5,787,773) in view of Bregler et al. According to the Examiner, Bregler shows the use of ferrite-perlite steel and that such material is well known. The Examiner then combines the teachings of the Bregler reference with the Frost reference to indicate that it would have been obvious to one skilled in the art to specify the ferrite-perlite steel material for a razor blade application.

Applicant respectfully traverses the above ground of rejections for the reasons set forth below. First, there is no suggestion or motivation to combine the teachings of Bregler with Frost or Penozza. Frost is directed to a razor blade made of alloy steel containing a substantial amount of aluminum combined with chromium or molybdenum or tungsten, which is hardened by a process of introducing nitrogen into the alloy. Column 1, lines 14-21. Likewise, Penozza is directed to a hand shear having one or more cutting edges. In contrast, Bregler is directed to an internal combustion engine formed from hardened ferrite-perlite steel. See the abstract of the Bregler reference. There is nothing in the Bregler reference, however, to indicate that the ferrite-perlite steel can be used for a cutting application such as razor blade. The teaching or suggestion of the claim combination and a reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP Section 2143. There is nothing in the Bregler reference to indicate that the ferrite-perlite steel can be used for cutting implementation; nor is there any indication that the material used in the Frost, Futterer, and Penozza references can be used for an internal combustion engine. As such, there is no teaching or suggestion to combine Bregler with any of the Frost, Futterer, and Penozza references to obviate the claimed invention of this application.

Second, even if the Bregler reference could be combined with any of the Frost, Futterer, and Penzoza references, they do not teach or suggest the claimed invention recited in independent claims 1 and 12. The Bregler reference discusses a particular type of steel. While the Bregler reference mentions a ferrite-perlite steel it is not readily decipherable whether the perlite referred to is the same type of material as the multi-element mineral perlite discussed in the application. However, the Bregler reference includes specific discussions of constituting components added to an iron base, amongst these components is listed silicon in the amount of .4 to .9 weight percent. Bregler, however, does not mention a silicon dioxide material nor does it mention how much silicon dioxide would be included even if the silicon is in an oxidized form. Since the silicon is not described as being in the oxidized form in the Bregler reference, it is not the same type of material as is discussed in the present application. Further, claim 1 recites, in part, that the blade is formed from steel in an additive of .5% to 3% of a predominately silicon dioxide based multi-element mineral, which is not disclosed within Bregler or any of the other three references to which Bregler is combined. Accordingly, in view of the discussion, it is respectfully submitted that the claims are not obvious in view of a combination of Bregler with any of Frost, Futterer or Penzoza. Reconsideration and allowance of the claims is respectfully requested in view of the above arguments.

SUMMARY

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied reference and are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853 during the pendency of prosecution of this application. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor. A duplicate of this paper is enclosed for the Deposit Account, should it be needed.

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Respectfully submitted,



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